

**POLICY**

It is the policy of the Michigan Department of Human Services Bureau of Juvenile Justice (BJJ) that all youths in residential facilities are counseled about Human Immunodeficiency Virus (HIV) and offered HIV testing.

**PURPOSE**

This policy ensures that HIV positive youths are counseled and tested to protect their health and the safety of other residents.

**DEFINITIONS**

See JRG, JJ Residential Glossary.

**RESPONSIBLE  
STAFF**

Designated in the facility standard operating procedure.

**PROCEDURE**

Each facility is required to develop and implement standard operating procedures (SOPs) relative to HIV counseling and testing. At a minimum, these SOPs must contain the following requirements:

**Voluntary  
Testing**

Pre-testing and counseling:

- All HIV testing is voluntary.
- Pre and post HIV test counseling is provided by a physician or designee or a health facility.
- The youth signs a consent form (approved by the Michigan Department of Community Health) prior to the testing.

**Testing**

HIV testing is provided through local health departments or approved laboratories.

Post-testing:

- All youths with positive HIV results are referred to an appropriate physician or medical facility for evaluation and treatment as indicated.
- The facility/center director or designee is informed of all positive HIV tests.

### **Involuntary Testing**

#### **Court Order:**

- The facility/center director or designee may file an affidavit with the family division of the circuit court for an ex-parte hearing to order HIV testing over the objection of a youth when there is reasonable cause to believe that a youth or staff member has sustained a percutaneous, mucous membrane, or open wound exposure to the blood or body fluids of a youth.

#### **Pregnant Youth:**

- All pregnant youths are offered HIV testing.

### **Records and Confidentiality**

Records pertaining to HIV counseling and testing are confidential and may not be shared with non-health care staff, with the exception of facility/center director or designee.

These records are available to health care professionals only and are excluded from the medical file sent with the social file to the JJS, CMO worker or probation officer.

Testing results may be shared with other health care providers in order to:

- Protect the health of an individual.
- Prevent further transmission of the disease.
- Assist in diagnosis and care for the patient.

### **AUTHORITY**

Public Health Code, MCL 333.5101 et seq.

Public Health Code, MCL 333.5131(5)(g)

Public Health Code, MCL 333.5204

Social Welfare Act, MCL 400.115a(1)(l)